

Winter 2015-2016



COURTS ILLUSTRATED

*An Educational Newsletter Publication of
The Circuit Court of Madison County
(Divisions 1-6)*



Angela Warner Sims
Judge
Circuit Court 1



G. George Pancol
Judge
Circuit Court 2



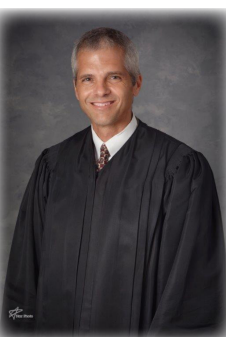
Thomas Newman
Judge
Circuit Court 3



David A. Happe
Judge
Circuit Court 4



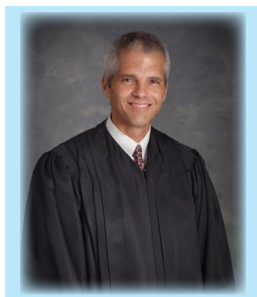
Thomas Clem
Judge
Circuit Court 5



Mark Dudley
Judge
Circuit Court 6

Mark Dudley Appointed Judge in Circuit Court 6

Circuit Court 6, Judge Dennis Carroll retired on May 31, 2015 after 30 years of distinguished service to Madison County. Governor Mike Pence appointed local Attorney Mark Dudley to succeed Judge Carroll in Circuit Court 6. The following interview is provided to inform the citizens of Madison County, and to give them a chance to become acquainted with Mark Dudley, the newest member of the Madison County Judiciary.



1. You have been lawyer for most of your adult life. How did that life experience prepare you to become a Judge?

As a lawyer, I was fortunate to work with a great mentor who taught

me to be a compassionate, hardworking, lawyer. Some of the principal lessons I learned are to think of the needs of the client even if it requires me to ignore my own interests, to work hard to be present to clients in the office and respond as quickly as possible to requests, and to know and continually update my knowledge of relevant law. In my short time on the bench, I have noted parties and representing attorneys' needs are similar. I must look to the interests of the parties presenting their dispute and make decisions resolving the issue within the bounds of the law. I must also be timely, develop systems to minimize preconceptions and bias, and be a continual student of the law. I am also thankful for my years representing clients with a variety of economic and educational backgrounds as it has given me a richer cultural understanding than I would have had if I had a less diverse practice.

2. What have you found to be the biggest challenge you have faced in your transition from attorney to Judge?

The biggest challenge in my transition is also a motivation for seeking this position, pushing the limits of my training and experience. My legal background is exclusive to civil litigation. A court of general jurisdiction faces legal issues from the whole spectrum of human disputes civil and criminal. I find it invigorating to master these various arenas of human life that lead to disputes. The transition challenge is daunting but I find it an enjoyable challenge. This challenge is alleviated greatly by the wonderful staff in Circuit 6 and by the help and assistance provided by my fellow judges and other staff members here at the Madison County Government Center.

3. While Judges are more or less on call all of the time, you no doubt have other interests and diversions. What do you enjoy spending your time doing when you are not being a Judge? What are some of your interests and hobbies? What would you want the general public to know about you as a person who just happens to be a Judge?

Outside of work, my time is filled with family, running and my parish church. I am the father of six girls. The oldest two are now in college and the remainder are at home. The girls all participate in sports and the family seems to be perpetually attending some meet or other. I run recreationally. I normally train most days of the week

INSIDE THIS ISSUE

1: Meet The Newest member of the Madison County Judiciary - **Mark Dudley, Judge**, Circuit Court 6.

2: **Judge G. George Pancol** highlights the JDAI Initiation and the Evening Reporting Center.

Also featuring The Magistrate - An appointed Judicial officer

3: **Judge Mark Dudley** provides a Glossary of Legal Terms for the lay person.

4: Problem Solving Court, **Judge Angela Sims** and the Re-Entry Court.

5: The Madison Circuit Courts Win State and Federal Grant Dollars to facilitate service to the public.

6: **Senior Judge Dennis D. Carroll** informs about the different kinds of Judicial offices.

and participate in races during the summer. This summer my new experience was running in a 15K trail run series. The series visits various state parks and races on the trails. I also volunteer time at my parish church. I am currently the president of the parish council. The parish hosts an annual festival for the community and I am on the parish festival leadership team. When not doing any of the three above items, I get enjoyment from restoring old lawn and garden equipment. I am not sure if any of these hobbies help in my work, but I am sure they keep my life in balance and provide me enjoyment.



G. George Pancol, Judge

Judge Pancol and Madison Co. Youth Center debut JDAI Detention Alternatives Program

The Madison County Youth Center campus has long been known for innovation and forward thinking in working with area youth. In this regard, 2015 was an important year, as it marked the beginning of a program known as Juvenile Detention Alternative Initiatives (JDAI). JDAI is a federal program that helps establish Detention Alternative Programs in approved sites, and Madison County has become the latest Indiana jurisdiction to deploy the JDAI initiative.

"A basic premise of the Juvenile Detention Alternatives Initiative is that children who are detained are more likely to be removed from the community long-term" stated G. George Pancol, Circuit Court 2 Judge. "This not only disrupts connection to schools, services, and family, it also has lasting impacts on both educational and employment levels. Indiana is committed to statewide implementation of JDAI."

Law Enforcement Officers from 10 Madison County Agencies convened in late April 2015 at the Anderson Police Department Training Facility receive training on innovative new strategies in working with youth. This training, called Policing the Teen Brain, was developed by a national non-profit training and policy organization dedicated to improving police/youth interactions and reducing disproportionate minority contact. This organization, known as Strategies for Youth, has worked with law enforcement agencies all over the country, as well as many counties in the state of Indiana.

Policing the Teen Brain training aims to improve the interaction between law enforcement and youth. It gives officers a better understanding of the teen brain, which reacts to certain stimuli differently than an adult. The training provides insight on the teen thought process and also provides instruction on tactics for de-escalating interactions and avoiding the use of force. An important goal of the training is to help officers be aware of and address disproportionate minority contact. JDAI Program Coordinator Kimberly Townsend stated, "We look to this unique training as a step toward enhancing our work with youth and as part of the juvenile detention alternatives initiative. Through it, we hope to offer officers new skills in interacting with youth and strengthen Madison County's law enforcement agencies' relationships with youth serving community organizations

Another important milestone for the Youth Center was the opening of the "Evening Reporting Center" in March of 2015. This model is widely used in JDAI sites across the country and is part of the Alternatives Strategy at the Madison County Youth Center. Judge Pancol travelled to Santa Cruz, California to learn how the program worked and experience an ERC in action. Pancol believed it would be a great alternative to detention for Madison County youth. Day and Evening Reporting Centers target youth needing extra supervision during the day and/or evening. Programming is available to youth at the Evening Reporting Center, and the Youth Center is currently partnering with "Project Hope", a community based mentoring program for court-ordered and other youth in the community. A full-time Youth Coach and several Youth Center staff will administer the programming and support for the Evening Reporting Center. Judge Pancol noted that seeing the Evening Reporting Center established was "a dream becoming a reality."

The JDAI program seeks to initiate the most innovative strategies for officers with programming designed to support youth, and thus keep them in the community, where support is available from schools, services, and family. Long term, this is the most desirable outcome, and the one most likely to yield a positive outcome for youth.

The Magistrate — An Appointed Judicial Officer

A Magistrate is a judicial officer with limited powers, who is appointed by the County Judge or Group of Judges (Madison County has 6 Judges who would be involved in such an appointment). Madison County has two full-time, state-paid Magistrates who assist in handling the huge Madison County legal case load. Magistrate Stephen D. Clase has served since August 1, 2005. Magistrate Kevin Eads was appointed on July 1, 2015.

Referred to as "Judge", Magistrates have equal authority with the elected Judges in Small Claims and Protective Order cases. In all other types of cases, their actions must be approved by an elected Judge in any order of the court which is applicable to the higher Courts in Indianapolis (Indiana Supreme Court or Indiana Court of Appeals). Examples of

these types of orders would be a final Decree of Divorce, a final Judgment for money awarded, and criminal trials and sentencing. However, Magistrates do have their own authority in any non-appealable decision; i.e. issuance of arrest and search warrants, setting bail, enforcing court rules, officiating a marriage, opening estates, etc.

Magistrates are very busy people all over the State of Indiana. They assist in the handling and disposal of tens of thousands of cases in Indiana over the course of a year. In 2015, the Indiana State Legislature granted seven counties the services of new Magistrates to help overcome court congestion in various counties (including Madison County).

When a county asks the State Legislature for a Magistrate, the request goes through a screening

process. That process takes into account the criminal and civil case load for the entire county, and determines how many judicial officers it takes to handle that number of cases. A Magistrate is only awarded when a county demonstrates a definitive need for more Judicial Officers. If the State Legislature approves the request, the local Judges then would appoint the new Magistrate.

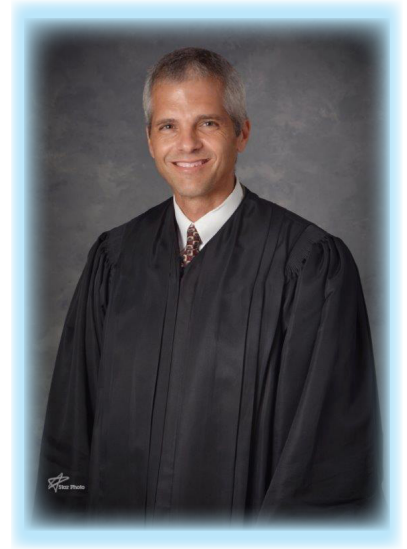
A Magistrate's salary is 80% of an elected Judge's salary, and Magistrates are entitled to the same insurance and retirement benefits as an elected Judge, since they are paid by the state rather than the county.

The Magistrate's work is valuable to the residents of Madison County because their legal cases are moved along quickly and efficiently.

Judge Dudley defines Court Terminology for lay persons

I write to provide a glossary of terms often used during criminal hearings in Madison County, Indiana. The actors in the criminal justice system, the Court, deputy prosecutor and attorneys representing defendants, use the terms daily and understand their meanings. The words listed below are not commonly used in everyday conversations, and as such, I thought it helpful to provide a short definition so that those who come to criminal hearings have a fuller understanding of the proceedings.

1. **Community Corrections Program** means a community based program that provides preventive services, services to offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the State of Indiana. Typical community corrections programs include work release and in-home detention.
2. **Concurrent** means that two or more sentences are served simultaneously, one of which might be longer than the others. The defendant is entitled to be discharged after the longest of the terms is served.
3. **Consecutive** means that one sentence will be served after an earlier sentence.
4. **Defendant** is the party accused in a criminal case.
5. **Disposition** means final settlement of a matter or case, often done by a plea agreement in criminal cases.
6. **Executed Sentence** is the portion of a defendant's sentence served in jail, prison or community corrections program like in-home detention or work release.
7. **Felony** is a serious crime that is punishable by death or imprisonment in excess of one year.
8. **Indictment** means a formal accusation of a crime made by a grand jury after hearing evidence presented by a prosecutor.
9. **Information** means a formal accusation of a crime made by a public officer rather than by grand jury indictment.
10. **In-home Detention** is a community-based program by which a person is confined to a certain residence. Travel is usually restricted, if allowed at all. House arrest is an alternative to prison time.
11. **Initial Hearing** is where a defendant is informed of the charges placed against him as well as his constitutional and legal rights when accused of a crime. A preliminary plea of not guilty is entered at this time.
12. **Misdemeanors** are crimes that are not felonies.
13. **Nolle Prosequi** is a legal term of art and a Latin legal phrase meaning "be unwilling to pursue" or "do not prosecute". It is used to describe a prosecutor's decision to voluntarily discontinue criminal charges.
14. **Parole** is the early supervised release of a prison inmate by the State of Indiana and implemented through a parole board. The local judge has no authority to place a defendant on parole.
15. **Probation** is where a defendant is released from confinement but is still under court supervision during which the defendant must adhere to rules and report to a Probation Officer. Probation can be given in lieu of a prison term or follow a period of incarceration.
16. **Prosecutor** is the elected official with the power to file criminal charges and then to conduct all prosecutions for felonies, misdemeanors, or infractions and all suits on forfeited recognizances.
17. **Public Defender** is an attorney appointed by a court or employed by the government to represent defendants in criminal actions when the defendant is unable to afford private counsel.
18. **Suspended Sentence** in criminal law is a penalty applied by a judge to a defendant convicted of a crime, which will not be enforced (is suspended) if the defendant performs certain services, makes restitution to persons harmed, stays out of trouble, or meets other conditions. Should the sentenced party fail to follow these requirements, then the suspended sentence may be enforced.
19. **Work Release** is a community-based program designed as an alternative to a commitment to the department of correction. A person on work release closely resembles a probationer. Like a probationer, a person on work release enjoys only conditional liberty.



Mark Dudley, Judge

Mark Dudley, Judge



Judge Angela Sims Presides over Reentry Court



Angela Warner Sims, Judge

In May of 2008, Judge Thomas Newman, Jr., with the financial support of the Central Indiana Weed and Seed Grant, began implementation of a Reentry Court in Madison County. In February of 2009, in order to serve as Drug Court judge, Judge Newman handed the Reentry Court baton over to Judge Thomas Clem of Circuit Court II. Judge Clem effectively and efficiently guided the Reentry Court until January, 2012. At that time, the three existing specialty courts, Drug, Mental Health, and Reentry, were unified under the umbrella of the Madison County Problem Solving Courts, with Judge Newman assuming the oversight of the three courts. Effective August 1, 2015, Judge Angela Warner Sims of Circuit Court I began presiding as Problem Solving Courts judge.

Reentry Courts seek to stabilize individuals returning to Madison County after spending an extended period of incarceration in the Department of Corrections during the initial phases of their community reintegration. The concept is to couple judicial oversight with treatment and rehabilitation services. Judicial oversight is provided in the form of program participants regularly appearing before the judge, at a minimum of twice a month. Court oversight is also provided in the form a case management team, comprised of two

“The concept is to couple judicial oversight with the treatment and rehabilitation services.

Chris Lanane - PS Courts Coordinator

case managers, a probation officer, program coordinator and support staff. The case managers and probation officer provide additional oversight by developing a case plan for rehabilitation with the individual, monitoring the plan through regular review with the individual, and reporting the individual's progress and compliance with the plan to the judge. The judge then reviews the status with the individual participant and

applies incentives or sanctions in each case as is appropriate. The case managers and probation officer are also critical on the treatment and rehabilitation services side of the equation, as they are responsible for linking the participant to the treatment and rehabilitation services indicated as needed in their assessment.

The Madison County Problem Solving Courts strive towards evidence based practices (EBP) in the implementation of their programs. EBP calls for those candidates included in problem solving courts to be those individuals determined as high in risk to reoffend and high in need of treatment and rehabilitation services. In addition, program rules include that an individual must be a least 18 years old, have committed a Level 6 felony offense or higher, and have at least twelve actual months remaining on his/her sentence. The individual has to have served at least one year in the Department of Corrections. Violent offenders and sex offenders that are required to register by law are precluded from participation.

Reentry Court participants are supported in their rehabilitation with services they are referred to by the Reentry Court Team. Treatment services such as Out-Patient substance abuse, the Batterer's Intervention Program, and Thinking Errors are provided by Sowers of Seeds Counseling. Residential service options include Stepping Stones for Veterans and the House of Hope. Man4Man Ministries, a faith-based initiative, supports men re-entering society with employment training and opportunities, one on one mentoring, support groups, and housing opportunities. Sister2Sister, also a faith-based ministry, provides group meetings, individual mentoring, and housing for women offenders returning to community.

In November, Madison County Problem Solving Courts graduated 34 total participants from the three specialty courts, with nine of those being successful Reentry Court participants. With an emphasis by the State of Indiana being the release of a significant number of non-violent offenders from the department of corrections, the Unified Circuit Courts of Madison County are poised to make the return of these individuals to the Madison County community successful and safe.

By Chris Lanane – PS Courts Coordinator



Courts Win State and Federal Grants to Bolster PS Court, Scanning/E-filing, and Legal Self Help Center

The Unified Circuit Court of Madison County is proactive in seeking grant funding from Local, State and Federal agencies, whenever such funds are available. The State, and less often, the Federal Government make funding available to various agencies, including courts, to improve court service to the general public, and to expand services to those under supervision of the courts. The Circuit Court has recently received a number of grant awards to aid the courts in assisting defendants, pro se litigants (litigants who are not represented by an attorney), attorneys, and the general public.

The Indiana Supreme Court's Division of State Court Administration (STAD) recently made funds available for courts to apply to enhance various services to be provided to unrepresented (Pro Se) litigants and the general public who may see court information. Madison County was one of several successful grant applicants for these dollars. Madison's successful grant proposal requested funds to enhance two already established programs. Madison County currently has a Legal Self Help Center on the 4th Floor of the courthouse, and the grant award will fund expansion of the Legal Self Help Center. This proposed expansion is to include a second access terminal to the www.mycase.IN.gov state case management database and to provide enhanced access to appropriate websites and other informational material. These would include brochures that explain how to proceed as an unrepresented litigant and laminated court forms and instructions that the litigant can utilize to identify what form is needed to prepare a certain type of filing before the court. This grant also awarded monies to expand a legal aid service that the Circuit Court provides. Each Thursday a local attorney is retained by the Circuit Court to mediate cases between unrepresented litigants where the parties are having trouble reaching a settlement. Cases are referred to the mediator by the Circuit Court Judges based on which cases could best benefit from having a skilled mediator/attorney help the two parties negotiate a settlement. The total amount of the grant award in question is \$50,000.

The Indiana State Supreme Court's Division of Trial Court Technology (TCT) is assisting counties in complying with a state mandated program to begin Scanning and E-filing cases in the statewide case management database, Odyssey. The purpose of the Scanning and E-filing project is to eventually convert all criminal and civil cases in Odyssey into electronic documents that can be accessed from a computer. This project will eventually eliminate the need for retaining the paper case file that contains a paper copy of every motion or pleading that has come before the court in that specific case number. Many case files can be inches thick with court paperwork depending on how long the case is

"The purpose of the Scanning and E-filing project is to eventually convert all criminal and civil cases in Odyssey into electronic documents that can be accessed from a computer."

active. Storage of these files for the statutorily appropriate retention periods has become increasingly difficult over the years, and most jurisdictions throughout the state are struggling to find storage space to keep paper files. Madison County was one of several counties that were awarded funds to purchase necessary Scanning/E-filing equipment, re: 1) Scanners to scan paper documents into Odyssey; 2) Bar Code Label Printers to facilitate batch scanning of 100's of documents into Odyssey at a time. Madison County and TCT recently installed 24 Scanners and 43 Bar Code Label Printers in the offices of the Courts and the Clerk, and the Scanning project is underway. This is step one of a 3 step process to begin E-filing court documents and cases. It is anticipated that Madison County will be E-filing cases within a 6-9 month period of time. In 2014, TCT had also awarded Madison County \$10,000.00 in grant funds to purchase a Server (a storage device with the capability to store millions of paper documents and files in its memory) to store all of these scanned documents at the local level. Each night, the documents stored on the local server

will be transferred to the Odyssey database at the State. The statewide Scanning/E-filing project, when it is completed, will assure that all case files in Indiana's 93 counties will be accessible electronically (to the public, law enforcement, attorneys, etc.) through the Odyssey Case Management database, and will eliminate the need to keep most/all actual paper files and documents.

The Madison County Problem Solving Courts (MCPSC) have also recently received grant funding from the Federal Government to enhance certain aspects of that operation. The US Department of Justice and the Office of Justice Programs have awarded MCPSC with a two year grant award that totals \$200,000. This award will allow the MCPSC to work in tandem with the National Center for State Courts, a nationally respected consulting service and think tank that assists courts in establishing best practices, based on empirical evidence and social science. MCPSC will be retaining a Data Analyst to work in tandem with the NCSC to develop an evaluation process that will enhance the courts ability to measure success rates and recidivism in the PS courts. This analyst will work with data from various Case Management and Law Enforcement databases to establish Treatment and Control groups to study over the life of the grant.

The Circuit Court of Madison County aggressively pursues relevant grant opportunities to better serve the citizens of Madison County, making the county a safer place to live, and doing so without spending local taxpayer dollars.

By Jim Hunter, Court Administrator

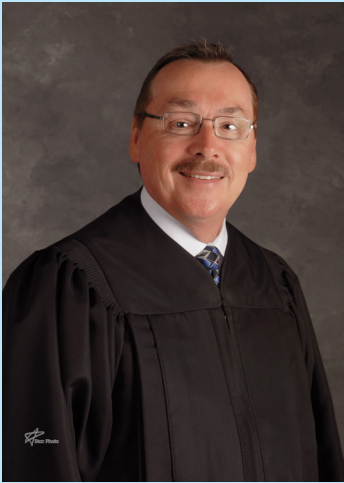
**Court Information Desk
765-641-9436**

**Court Administrator
Jim Hunter**

**Problem Solving Courts
Administrator
Chris Lanane**

**Director of Probation
Services
Tony New**

JUDGE: What's with the "Adjective"?



Dennis D. Carroll, Judge

Presiding Judge. Regular Judge. Special Judge. Trial Judge. Senior Judge. Appellate Judge. Pro Tem Judge. Temporary Judge. City/Town Judge. Magistrate Judge. Chief Judge. Commissioner Judge. Administrative Judge.

These "adjectives" can be a bit confusing!

Generally, judges with civil jurisdiction hear and resolve disputes: Disputes between citizens, disputes between businesses, disputes between businesses and customers, disputes between parents, disputes between citizens and their government. In addition, judges are part of the criminal justice system. In criminal court, they balance community protection and order against the rights of citizens accused of wrongdoing.

But why are there so many different types of judges, with so many different titles in front of their names?

Full-time judges of our major courts are generally referred to as **presiding** or **regular** judges of the Madison Circuit Court. Judge Angela Sims is the presiding judge of Circuit 1, Judge George Pancel is the presiding judge of Circuit 2, Judge Thomas Newman, Jr. is the presiding judge of Circuit 3, Judge David Happe is the presiding judge of Circuit 4, Judge Thomas Clem is the presiding judge of Circuit 5, and Judge Mark Dudley is the presiding judge of Circuit 6.

Although these presiding judges of the divisions of the Madison Circuit Court are officials of the Indiana State Judiciary (remember the three branches of state government: Executive, Legislative, and Judicial), they are elected by the citizens in the county where they live and serve.

Although judges receive the same training as lawyers, and although many judges practiced law before becoming judges, Indiana does not permit full-time judges to practice law; they must devote all of their time to judicial responsibilities. Besides, attempting to practice law while serving as a judge would invite conflicts of interest and undermine the notion of neutrality and impartiality that is so important to judicial service.

The six presiding judges of the Madison Circuit Court not only hear civil disputes and serve an important role in the criminal justice system, these judges have the joint responsibility to administer the judicial branch of government at the local level. Judges, for example, employ court administrators, probation officers, bailiffs, court reporters, and other staff to handle the day-to-day operations of the courts. They also manage the budgets and finances necessary for local judicial operations.

Sometimes decisions are made by consensus, and sometimes the judges select a **Chief Judge** to superintend routine management. The current chief judge of the Madison Circuit Court is Judge David Happe*.

In most jurisdictions, the judicial workload requires elected or presiding judges to employ other judges to help manage certain cases. These judges employed to assist the elected, presiding judges are usually referred to as **Magistrate** Judges or **Commissioner** Judges. Locally, Magistrate Judge Steve Clase often finds his name in the local paper since his responsibilities include issuing warrants and conducting initial hearings for criminal defendants who have recently been arrested. And these are matters typically of interest to the press and general public.

Occasionally, practicing lawyers will be asked to serve for a day or two when a presiding judge is ill, on vacation, or otherwise unavailable. These substitute judges are generally called **Pro Tem** Judges or **Temporary** Judges. Their appointment and use is strictly controlled by statute and rules of the Indiana Supreme Court.

There are still other terms for retired judges who continue to serve on a regular part-time basis and for regular judges who handle a case from a different court because the presiding judge has a conflict or is unable to hear the case for some other reason. Retired judges who continue to serve on a regular part-time basis are referred to as **Senior** Judges, and judges who handle cases from a sister court are called **Special** Judges. Both senior judges and special judges exercise full judicial authority over the cases they are assigned.

Administrative Judges and **City/Town** Court judges have limited jurisdiction and specialized assignments. City or Town Court judges typically hear traffic cases, misdemeanors, ordinance violations, and some small claims disputes. Administrative law judges are really part of the executive branch. When a citizen believes a disability claim is unfairly decided, or that the civil rights commission has not granted appropriate relief, or the tax authorities have improperly imposed a tax, the citizen may sometimes take their complaint to an administrative law judge for review.

And, finally, we have a group of judges referred to as **Appellate** judges. Most citizens have heard about the right to "appeal" an unfavorable trial court decision. Judges of the Court of Appeals and of the Supreme Court review cases that are heard at the trial court or administrative court level. Appellate judges usually limit their review to "questions of law" and leave the fact finding to trial and administrative judges. If, for example, a landlord claimed damage by the tenant, and the tenant testified that the apartment was already damaged when he moved in, and the trial judge, after listening to the evidence, sided with the tenant, the appellate judge would only decide if the trial judge followed the correct statutes and rules, and applied the proper legal standard in reaching a decision. The appellate judge would not reconsider the evidence heard at trial.

The bottom line is this: Judges are judges. Although it is instructive to understand the various kinds of judges who serve the public, it is rarely important to add the precise "adjective" in front of the title. Like physicians, some of whom are surgeons, pediatricians, internists, or psychiatrists, yet all answer to the title, "Doc," a simple, "Good afternoon, Judge," is always appropriate, for presiding judges, appellate judges, pro tem judges, and the various other judicial officers who might be encountered by members of the public.

Written by: Senior Judge Dennis Carroll 2015

* As of January 1, 2016, the current chief judge of the Madison Circuit Court is Judge G. George Pancel.

